

ADVANCE UNEDITED VERSION

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Committee on the Rights of the Child**List of issues in relation to the combined fifth and sixth reports of Canada***

The State party is requested to submit in writing additional, updated information (10,700 words maximum), if possible before 15 June 2021. The Committee may take up all aspects of children's rights set out in the Convention during the dialogue with the State party.

Part I

1. Please provide information on measures taken to:
 - (a) Ensure the protection of children's rights in the context of the COVID-19 pandemic and to mitigate its adverse impacts;
 - (b) Withdraw the reservation to article 37 (c) of the Convention;
 - (c) Ratify the Optional Protocol to the Convention on a Communications Procedure;
 - (d) Adopt a comprehensive national law that covers all aspects of the Convention to address its uneven implementation.
2. Please provide information on measures taken to:
 - (a) Adopt a national strategy for the realization of rights in the Convention, in addition to those listed in the report (CRC/C/CAN/5-6 para. 7);
 - (b) Improve the ability of the Interdepartmental Working Group on Children's Rights to effectively carry out its work, including the lack of a mandate to coordinate the implementation of cross-governmental programs;
 - (c) Ensure that children's rights are systematically integrated in GBA+ budget processes, including the integration of Child Rights Impact Assessments into legislative and policy development processes.
3. Please indicate the steps taken to address the non-collection of certain data by the provinces and territories, and the progress made to set up a comprehensive national data collection system. Please provide an update on progress to enact Bill S-217, which seeks to establish a Commissioner for Children and Youth in Canada.
4. Please provide information on measures taken to:
 - (a) Implement the Accessible Canada Act, the Anti-Racism Strategy (2019-2022) and the decision in *Caring Society v. Canada*;

* Adopted by the pre-sessional working group on 8 October 2020.



(b) Develop procedures and criteria to determine the best interests of the child in all areas that impact children in addition to the newly introduced best interests of the child determinations in the Federal Immigration and Refugee Protection Act, the Federal Youth Criminal Justice Act and the Federal Divorce Act;

(c) Promote the full implementation of the child's right to be heard and to establish an appeals procedure for children whose right to be heard has been violated in judicial and administrative proceedings.

5. Please provide an update on the implementation of child-related recommendations of the Truth and Reconciliation Commission, the National Inquiry into Missing and Murdered Indigenous Women and Girls; and to establish an institutional body to coordinate and monitor implementation.

6. Please specify the measures taken to (a) restore names on birth certificates where they have been illegally altered or removed, and to address birth registration barriers in First Nations communities; (b) ensure that statelessness is among the criteria for granting legal status.

7. Please provide information on:

(a) Steps taken to prohibit corporal punishment of children in all settings since Bill S-206, which sought to repeal the defence allowing for "reasonable force" under section 43 of the Criminal Code, was not passed.

(b) Measures taken to develop a comprehensive national strategy to address all forms of violence against children in line with Sustainable Development Goal's Target 16.2;

(c) The implementation of measures under the Global Partnership to End Violence against Children of 2016, and to safeguard children's digital privacy;

(d) The court action regarding alleged clerical abuse of children filed against the Roman Catholic Church in British Columbia.

8. Please provide information on measures taken to (a) ensure the sustained support and funding of programs for Black and Indigenous children and families; (b) address some of the concerns regarding Bill C-92 such as insufficient funding, determination of jurisdiction and non-mandatory data collection; (c) develop national legislation and standards on children in adoption.

9. Please provide information on:

(a) Efforts to address differences in access to quality health services for children, particularly indigenous children, including equal access to mental health and suicide prevention services across provinces and territories; and the application of Jordan's Principle;

(b) Results of monitoring of the use of psycho-stimulant drugs among children and particularly the findings of the 2017 review and any other reviews that might have been undertaken since that time;

(c) The impact on children of the implementation of the National Housing Strategy and the Federal Poverty Reduction Strategy, including measures taken to ensure coordination across provinces and territories to address child poverty and homelessness;

(d) Steps taken to ensure access to clean and safe drinking water for First Nations communities by eliminating drinking water advisories, addressing the mercury crisis in Grassy Narrows, and the crude oil spill in the North Saskatchewan and Red Deer Rivers.

(e) Efforts to ensure that resource extraction leading to land destruction do not violate rights of indigenous children.

10. Please update the Committee on measures taken to:

(a) Integrate children's rights into the school curricula across provinces and territories; and to ensure that training on children's rights is compulsory for teachers and professionals working for and with children; and

(b) Implement the Multi-lateral Early Learning and Childcare Framework and the Indigenous Early Learning and Childcare Framework.

11. Please provide information on measures taken to:

- (a) Remove hidden costs for education to ensure free primary education for all;
- (b) Harmonize curricula on sexuality education among provinces and territories; and address the significant increase of HIV cases among adolescents;
- (c) Ensure that indigenous and African Canadian children receive culturally appropriate education which respects their heritage and language;
- (d) Ensure children's right to self-directed free play through the development of provincial and territorial play strategies.

12. Please provide information on:

- (a) Measures taken to develop non-custodial alternatives to immigration detention for children in view of reports that the average length of time that children spend in immigration detention has increased and that conditions resemble medium security prisons;
- (b) The number and nature of cases when a youth court imposed an adult sentence on a child aged 14 or older during the past five years, and the measures taken to amend the law to bring it in line with the definition of a child under the Convention;
- (c) Steps taken to reduce the overrepresentation of indigenous and African Canadian children in the criminal justice system;
- (d) Efforts and lessons learned from the COVID-19 crisis to reduce the length of pre-trial detention, expedite criminal case management and increase the use of Gladue reports for indigenous children.

13. Please provide information on the implementation of the Committee's previous recommendations under the Optional Protocol to the Convention on the involvement of children in armed conflict, in particular whether the State party will increase the age of voluntary recruitment to 18 years and prohibit the trade of arms to countries where persons who have not attained the age of 18 years may take a direct part in hostilities (CRC/C/OPAC/CAN/CO/1, paras. 9 and 14). Please also inform the Committee about any plans to repatriate Canadian children from North East Syrian camps.

14. Concerning the Committee's previous recommendations under the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography, please provide an update on measures taken to adopt a comprehensive programme of action targeting all issues covered under the Optional, particularly sexual exploitation of children in tourism in the State party and abroad (CRC/C/OPSC/CAN/CO/1 paras. 11 and 23). Specifically, please explain (a) the sharp increase in reported cases of child pornography; (b) the impact of the legislative amendments, including the Tougher Penalties for Child Predators Act of 2015 (CRC/C/CAN/CO/3-4 para. 49 (c)) and (CRC/C/OPSC/CAN/CO/1 para. 27 (a)).

Part II

15. The Committee invites the State party to provide a brief update (no more than three pages) on the information presented in its report with regard to:

- (a) New bills or laws, and their respective regulations;
- (b) New institutions (and their mandates) or institutional reforms;
- (c) Recently introduced policies, programmes and action plans and their scope and financing;
- (d) Recent ratifications of human rights instruments.

Part III

Data, statistics and other information, if available

16. Please provide consolidated information for the past three years on the budget lines regarding children and social sectors by indicating the percentage of each budget line in terms of the total national budget and the gross national product. Please also provide information on the geographic allocation of those resources.

17. Please provide, if available, updated statistical data disaggregated by age, sex, ethnic origin, national origin, geographic location and socioeconomic status, for the past three years, on:

- (a) Children living in poverty and in inadequate housing;
- (b) Separated from their parents;
- (c) Children in refugee and migrant situations;
- (d) Children in immigration detention, distinguishing between accompanied and non-accompanied children;
- (e) Reported cases of children subjected to involuntary admission and treatment in psychiatric institutions.

18. Please provide data disaggregated by age, sex, socioeconomic background, ethnic origin and geographic location regarding the situation of children deprived of a family environment, for the past three years, on the number of children:

- (a) In alternative care;
- (b) In foster/kinship care;
- (c) That have been adopted.

19. Please provide data, disaggregated by age, sex, type of disability, ethnic origin and geographic location, for the past three years, on the number of children with disabilities:

- (a) Living with their families;
- (b) Living in institutions;
- (c) Attending regular primary schools;
- (d) Attending regular secondary schools;
- (e) Attending special schools;
- (f) Out of school;
- (g) Abandoned by their families.

20. Please provide, if available, updated statistical data disaggregated by age, sex, type of offence, ethnic and national origin, geographic location and socioeconomic status, for the past three years, on children in conflict with the law who have been:

- (a) Arrested;
- (b) Referred to diversion programmes;
- (c) In pre-trial detention, including the duration;
- (d) Tried as adults;
- (e) Serving a sentence in detention and the length of the sentence.

21. Please provide information on how the planning, implementation and monitoring of measures for achieving the Sustainable Development Goals integrate a child rights-based approach, including with regard to child participation and data collection, and how they promote the realization of children's rights under the Convention and its Optional Protocols.

22. Please provide the Committee with an update of any data in the report that may have been outdated by more recent data collected or other new developments.
23. In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention.
